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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,008	05/11/2006	Xiaobao Chen	DYC-00500	6188
28960 7590 09/25/2009 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086				
EXAMINER				
HO, CHUONG T				
ART UNIT		PAPER NUMBER		
2419				
MAIL DATE		DELIVERY MODE		
09/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,008

Applicant(s)

CHEN ET AL.

Examiner

CHUONG T. HO

Art Unit

2419

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 24, 28-59 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21, 28-59 is/are allowed.
- 6) ☒ Claim(s) 24, 59 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 01/14/09 have been entered and made of record.
2. Claims 1-21, 24, 28-59, and 63 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 24, 59, 63 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The examiner has reviewed and interpreted a computer readable medium having recorded thereon information signals representative of the computer program claimed (Original claim 25).

Allowable Subject Matter

5. Claims 1-21, 28-58 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: Claim 1 is allowed. Krishmarajah et al. (Pub. No. 2003/0081592 A1) discloses a gateway support node (figure 7, GGSN) operable to provide an interface for communicating the data packets (figure 7, Internet) between the mobile communications_user equipment (User Equipment) and the a_packet data telecommunications network, (figure 7, internet)

Art Unit: 2419

a service support node (figure 7, SGSN) operable to communicate the data packets between the gateway support node (GGSN) and the mobile communications user equipment using a radio network controller (Radio Access network (RAN)) , the radio network controller being operable to provide a radio access bearer for communicating the data packets with the mobile communications_user equipment (figure 7, User equipment "UE"), wherein at least one of the gateway support node and the mobile communications user equipment are operable to parse the payload data in each data packet to determine a number of the plurality of different data types (figure 12);

to form a transport frame (figure 12, AMR frame) for each data packet by combining the payload data for each data packet with the sub-flow indicator ([0054] subflow) , the transport flame being used to communicate each data packet between the gateway (figure 7, GGSN) support node and the radio network controller (figure 7, RCN 104) via the service support node (figure 7, SSGN) , and the data packets are communicated between the radio network controller (figure 7, RCN 104).

Lee (Pub. No.: US 2003/0021256 A1) discloses a gateway support node (figure 1, GGSN) operable to provide an interface for communicating the data packets (figure 1, Internet) between the mobile communications_user equipment (User Equipment) and the a packet data telecommunications network, (figure 1, internet)

a service support node (figure 1, SGSN) operable to communicate the data

Art Unit: 2419

packets between the gateway support node (GGSN) and the mobile communications user equipment using a radio network controller (Radio Access network (RAN)) , the radio network controller being operable to provide a radio access bearer for communicating the data packets with the mobile communications_user equipment (figure 7, User equipment "UE" 100)

The prior art however fails to disclose wherein at least one of the gateway support node and the mobile_communications user equipment are operable to parse the payload data in each data packet to determine a number of data symbols in each of the different data types, to generate a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type, and the mobile_communications user equipment by detecting the sub-flow indicator , and in accordance with the sub-flow indicator arranging for the data from each of the different data fields to be communicated via a different radio access bearer providing different quality of service parameters appropriate for the different data type

Claim 8 is allowed. . Krishmarajah et al. '592' discloses providing an interface for communicating the data packets between the mobile communications_user equipment (figure 7, User Equipment (UE) 102) and a packet data telecommunications network (figure 7, Internet), communicating the data packets

Art Unit: 2419

between the interface and the mobile communications user equipment (figure 7, UE 102) using a radio network controller (figure 7, Radio Access Network (RAN) 104) , the radio network controller (Figure 7, Radio Access Network (RAN) 104) being operable to provide radio access bearers for communicating the data packets to and/or from the mobile communications user equipment (figure 7, UE 102) , wherein the communicating the data packets between the interface and the mobile communications_user equipment comprises parsing the payload data in each data packet to determine a number of the plurality of different types of data (figure 12), forming a transport frame for each data packet by combining the payload data for each data packet with the sub-flow indicator ([0054] subflows) , the transport frame being used to communicate each data packet between the interface and the radio network controller (figure 7, RCN 104) .

Lee (Pub. No.: US 2003/0021256 A1) discloses a gateway support node (figure 1, GGSN) operable to provide an interface for communicating the data packets (figure 1, Internet) between the mobile communications_user equipment (User Equipment) and the a packet data telecommunications network, (figure 1, internet)

a service support node (figure 1, SGSN) operable to communicate the data packets between the gateway support node (GGSN) and the mobile communications user equipment using a radio network controller (Radio Access

Art Unit: 2419

network (RAN)) , the radio network controller being operable to provide a radio access bearer for communicating the data packets with the mobile communications_user equipment (figure 7, User equipment "UE" 100)

The prior art however fails to disclose parsing the payload data in each data packet to determine a number of the plurality of different types of data and a numlx,-r of data symbols in each of the different data types, generating a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type, forming a transport frame for each data packet by combining the payload data for each data packet with the sub-flow indicator, the transport frame being used to communicate each data packet betwgcn the interface and the radio network controller, and communicating the data packets between the mobile communications user equipment and the radio network controller by detecting the sub-flow indicator, and in accordance with the sub-flow indicator arranging for the data -om each of the different data fields to be communicated via a different radio access bearer providing different quality of service parameters appropriate for the different data type;

Claim 14 is allowed. Krishmarajah et al. '592' discloses data packet processing layer (figure 12,data divider 32)) , and a user data tunnelling layer operable to provide a virtual channel for communicating the processed data packets via an internet protocol communications layer (figure 12, IP layer processor 36), wherein

Art Unit: 2419

the data packet

processing layer is operable to parse the payload data in each data packet to determine a number of the plurality of different data types (figure 12) to form a transport frame for each data packet by combining the payload data for each data packet with the sub-flow indicator ([0054] subflows), the transport frame being used to communicate each processed data packet between the gateway support node (figure 7, GGSN) and a radio network controller (figure 7, SGSN) via a 16 service support node (figure 7, SGSN) using the user data tunnelling layer

The prior art however fails to disclose parsing the payload data in each data packet to determine a number of data symbols in each of the different data types, generating a radio access bearer sub-flow indicator providing an indication of the number of different types of data in the payload and the number of symbols in each different data type;

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sheikh Ayaz can be reached on (571) 272-3795. The fax

Art Unit: 2419

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuong. T. Ho./
Examiner, Art Unit 2419

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2419